#### **ZONING CHANGE REVIEW SHEET**

CASE: C14-2014-0002 - HMAP Development, Ltd. Z.A.P. DATE: February 18, 2014

ADDRESS: 10701 Manchaca Road

**OWNER:** HMAP Development, Ltd. **AGENT**: RGB Enterprises, LLC

(Mark Musemeche) (Henry C. Ross)

**ZONING FROM:** LR-MU-CO **TO:** GR-MU-CO **AREA:** 1.547 acres

# **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay: 1) limits the number of daily vehicle trips to 2,000; 2) limits the size of a general restaurant (general) use to 7,500 square feet; and 3) prohibits the following uses: alternative financial services, automotive rental, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, commercial off-street parking, drop-off recycling collection facility, exterminating services, funeral services, outdoor sports and recreation, pawn shop services, hospital services (general), residential treatment, and service station.

# **ZONING & PLATTING COMMISSION RECOMMENDATION:**

February 18, 2014: APPROVED GR-MU-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT

[P. SEEGER; G. ROJAS - 2ND] (6-0) S. COMPTON - ABSENT

#### **ISSUES:**

Representatives from the Saddlewood Estates HOA and the community manager of the Saddle Creek Apartments have written letters in support of the requested rezoning.

#### **DEPARTMENT COMMENTS:**

The subject property is undeveloped and includes a 0.627 acre water quality pond and drainage easement along the northwest, west and southeast sides which serves this property and the adjoining Saddlewood Estates subdivision. It is zoned neighborhood commercial – conditional overlay (LR-CO) by a 2007 case, with the Conditional Overlay limiting the number of daily vehicle trips to 2,000. The Saddle Creek Apartments are to the north (MF-2-CO), the Saddlewood Estates subdivision is adjacent to the east (I-SF-2), and Slaughter Creek is to the south. Across Manchaca Road and in the County's jurisdiction, there is a church, a few single family residences, a martial arts studio, a warehouse, an auto sales use and an auto repair use. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and Exhibit A-2 (Location of Drainage Easement).

The Applicant proposes to rezone the property to community commercial – mixed use – conditional overlay (GR-MU-CO) district in order to develop a restaurant (general) use in the property. Although the restaurant (general) use is first allowed in the neighborhood commercial (LR) zoning district, it is limited to 4,000 square feet of gross floor area, and has limited hours of operation and outdoor seating area, prohibits outdoor entertainment as an accessory use, as well as outdoor amplified sound and drive-through facilities [(LDC Section 25-2-587(D)]. As envisioned by the Applicant, the restaurant (general) use would be a maximum of 7,500 square feet, thus exceeding the gross floor area described above, and would include an outdoor entertainment component, as well as community-oriented space and activities. Driveway access is proposed to be taken from both Manchaca Road and Old Manchaca Road, although the location of the drainage easement may limit its location on Old Manchaca Road.

Staff recommends GR-MU-CO zoning as requested by the Applicant. It is appropriate along an arterial and a collector street (a signalized intersection), and the proposed uses would be available to serve residents of the adjacent subdivision and apartments, as well as capture "pass by" traffic from the nearby residential developments. The mixed use (MU) overlay will provide the Applicant with additional flexibility to incorporate residential uses into the project. The Conditional Overlay calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections, and prohibits several of the more intensive GR uses.

# **EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	LR-MU-CO	Undeveloped; Drainage pond
North	MF-2-CO; I-RR	Apartments; Townhomes in the Sweetwater Glen subdivision
South	I-SF-2; I-RR	Single family residences within the Saddlewood Estates subdivision; Landscaping business; Slaughter Creek
East	I-SF-2	Single family residences within the Saddlewood Estates subdivision
West	N/A (County)	Church; Martial arts studio; Auto sales; Auto repair; Warehouse; Construction sales and services

AREA STUDY: N/A TIA: Is not required

WATERSHED: Slaughter Creek DESIRED DEVELOPMENT ZONE: Yes

# **NEIGHBORHOOD ORGANIZATIONS:**

217 - Tanglewood Forest Neighborhood Association

627 - Onion Creek Homeowners Association

742 – Austin Independent School District 773 – Saddlewood Homeowners Association

786 – Home Builders Association of Greater Austin 943 – Save Our Springs Alliance

1037 – Homeless Neighborhood Association 1075 – Bike Austin

1200 - Super Duper Neighborhood Objectors and Appealers Organization

1214 – Bauerle Ranch Homeowner's Association 1224 – Austin Monorail Project

1228 – Sierra Club, Regional Group 1340 – Austin Heritage Tree Foundation

1363 – SEL Texas 1395 – Sweetwater Glen

### **SCHOOLS:**

Kocurek Elementary School

Bailey Middle School

Akins High School

# **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0010 -	I-RR to LO	Scheduled for 03-04-	Scheduled for 03-27-
BET EL – 11031		2014	2014.
Manchaca Rd			1
C14-2007-0254 -	I-RR to MF-3	To Grant MF-3-CO	Apvd. MF-3-CO (03-
Forest Hill		İ	06-2008).
Apartments -			<b>'</b>
10601 and 10605			1
Manchaca Rd			ļ
C14-06-0122 -	I-RR to MF-2	To Grant MF-2-CO	Apvd MF-2-CO with
Saddle Creek			CO for 2,000 trips (8-
Apartments –		Í	24-2006).
10801 Old			
Manchaca Rd			
C14-04-0054 -	I-RR to SF-4A	To Grant SF-4A-CO	Apvd SF-4A-CO with
Manchaca Heights	22		the CO for 2,000 trips
- 11003 Manchaca		*	(6-10-2004).
Rd			(=======,).

# **RELATED CASES:**

The property was annexed into the City limits on December 31, 2002 (C7a-02-001). There are no pending subdivision or site plan applications on the subject property.

# **ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Capital Metro
Manchaca Road	270 – 340 feet	90 feet	Major Arterial – Divided, 4 lanes	No	No
Old Manchaca Road	70 feet	48 feet	Collector	Yes	No

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Manchaca Road serves route no. 27 with an existing and recommended Wide Shoulder.

CITY COUNCIL DATE: March 20, 2014 ACTION:

ORDINANCE READINGS: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:** 

**CASE MANAGER:** Wendy Rhoades **PHONE:** 512-974-7719

e-mail: wendy.rhoades@austintexas.gov





PENDING CASE

**ZONING BOUNDARY** 

**ZONING CASE** 

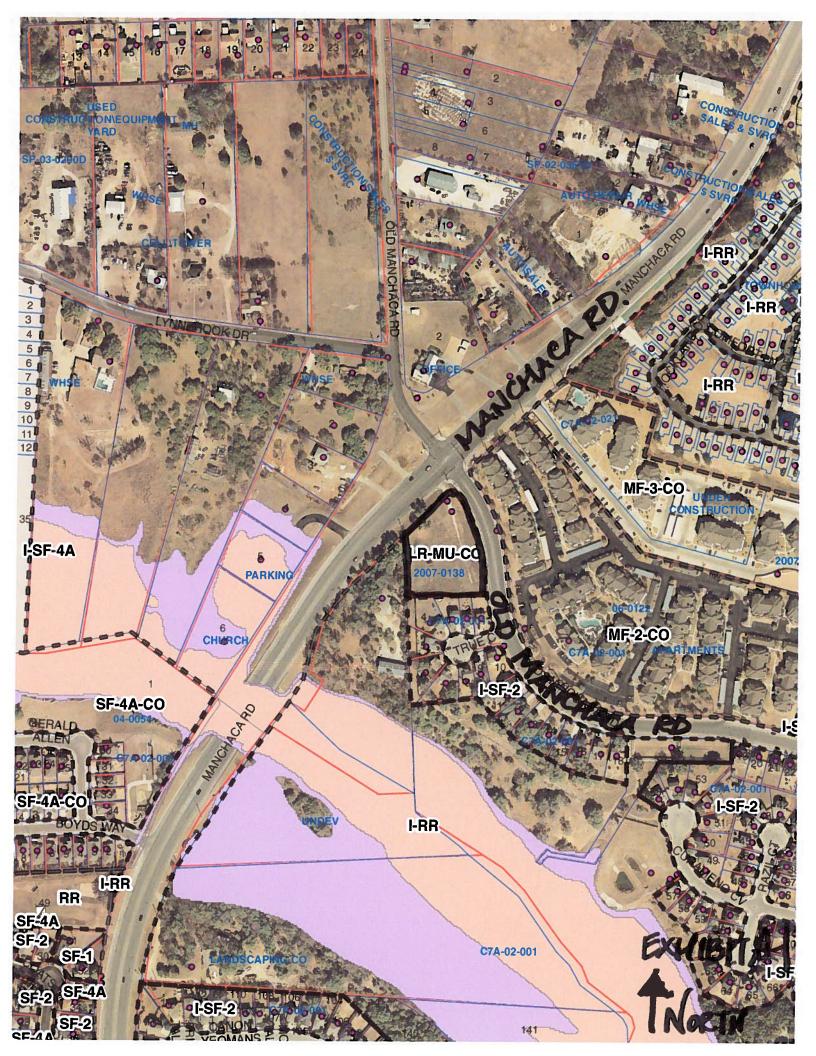
C14-2014-0002

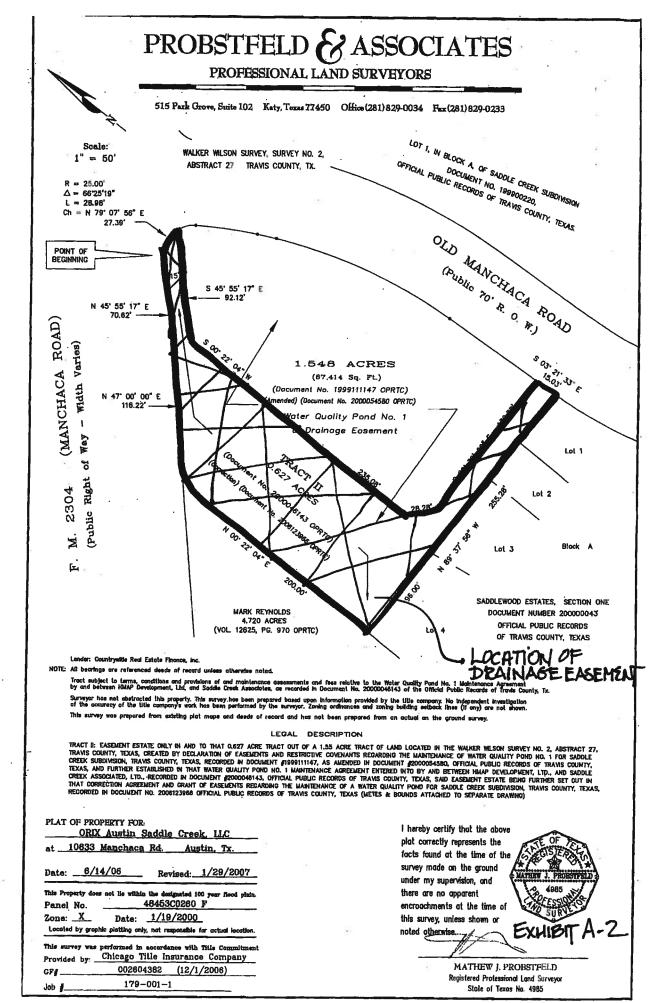
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







# **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay: 1) limits the number of daily vehicle trips to 2,000, 2) limits the size of a general restaurant (general) use to 7,500 square feet; and 3) prohibits the following uses: alternative financial services, automotive rental, automotive repair services, automotive sales, automotive washing (of any type), bail bond services, commercial off-street parking, drop-off recycling collection facility, exterminating services, funeral services, outdoor sports and recreation, pawn shop services, hospital services (general), and residential treatment, and service station.

# BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The MU, Mixed Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

The property has frontage on Manchaca Road, an arterial, although due to the presence of a drainage easement, driveway access may be limited to Old Manchaca Road, a collector street.

2. Zoning changes should promote an orderly and compatible relationship among land uses.

Staff recommends GR-MU-CO zoning as requested by the Applicant. It is appropriate along an arterial and a collector street (a signalized intersection), and the proposed uses would be available to serve residents of the adjacent subdivision and apartments, as well as capture "pass by" traffic from the nearby residential developments. The mixed use (MU) overlay will provide the Applicant with additional flexibility to incorporate residential uses into the project. The Conditional Overlay calls for a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections, and prohibits several of the more intensive GR uses.

#### **EXISTING CONDITIONS**

#### **Site Characteristics**

The subject property is undeveloped, and contains a drainage easement and area along the west and south sides of the property. The property slopes to the southwest, towards Slaughter Creek.

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#### **Impervious Cover**

The maximum impervious cover allowed by the GR district would be 80% based on the more restrictive watershed regulations.

#### **Comprehensive Planning**

This zoning case is located on the southeast corner of Manchaca Road and Old Manchaca Road (south of Slaughter Lane). The undeveloped property is approximately 1.54 acres in size, and is not located within the boundaries of a neighborhood planning area or near any planning area. Surrounding land uses includes an apartment complex and a small office to the north and northeast, single family housing and vacant land to the south, and vacant land and a house to the west. The proposed use is mixed use.

As this case is small in scope, it is not at a level of review that can be considered by Imagine Austin which is broad in scope. Thus, when looking through the lens of Imagine Austin, this case is neutral.

#### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Gross Site Area	% of Gross Site Area with Transfers
Single-Family	50%	60%
(minimum lot size 5750 sq. ft.)		İ
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

The site is not located within the endangered species survey area.

# **Transportation**

No additional right-of-way is needed at this time.

If the requested zoning is approved, it is recommended to include the existing conditional overlay from zoning case C14-2007-0138 limiting the site development to 2,000 trips per day.

# Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### Site Plan and Compatibility Standards

The site is subject to compatibility standards. Compatibility Standards are applicable to all property adjoining or across the street from a lot zoned or used as SF-5 or more restrictive, or within 540 feet from a lot zoned SF-5 or more restrictive. The adjacent lots to the South are zoned SF-2.

• No structure may be built within 25 feet of the property line shared with the SF-2 sites.

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

This site will be subject to Subchapter E: Design Standards at time of development. Additional comments will be made when the site plan is submitted.

	Land	Land Development Code
USES	LR	GR
Alternative Financial Services	Conditional Use Permit	Permitted
Automotive Rental	Not Permitted	Permitted
Automotive Repair Services	Not Permitted	Permitted
Automotive Sales	Not Permitted	Permitted
Automotive Washing (of any type)	Not Permitted	Permitted
Bail Bonds Services	Not Permitted	Permitted in District but may be Conditional
Business or Trade School	Not Permitted	Permitted
Business Support Services	Not Permitted	Permitted
Commercial Off-Street Parking	Not Permitted	Permitted
Communications Services	Not Permitted	Permitted
Drop-Off Recycling Collection Facility	Not Permitted	Permitted (Subject to 25-2-805(13-2-224))
Exterminating Services	Not Permitted	Permitted
Food Preparation	Not Permitted	Conditional Use Permit
Funeral Services	Not Permitted	Permitted
General Retail Sales (General)	Subject to 25-2-587	Permitted
Hotel-Motel	Not Permitted	Permitted
Indoor Entertainment	Not Permitted	Permitted
Indoor Sports and Recreation	Not Permitted	Permitted
Medical Offices	Conditional Use Permit	Permitted
Outdoor Entertainment	Not Permitted	Conditional Use Permit
Outdoor Sports and Recreation	Not Permitted	Permitted
Pawn Shop Services	Not Permitted	Permitted
Personal Improvement Services	Subject to 25-2-587	Permitted
Research Services	Not Permitted	Permitted
Restaurant (General)	Subject to 25-2-587	Permitted
Theater	Not Permitted	Permitted
Community Recreation (Private)	Conditional Use Permit	Permitted
Community Recreation (Public)	Conditional Use Permit	Permitted
Congregate Living	Conditional Use Permit	Permitted
Group Home, Class II	Conditional Use Permit	Permitted
Hospital Services (General)	Not Permitted	Conditional Use Permit
Hospital Services (Limited)	Conditional Use Permit	Permitted
Residential Treatment	Conditional Use Permit	Permitted

Courtney Goza 10601 Marshitahs Way Austin, Texas 78748 February 7, 2014

Wendy Rhoades City of Austin 505 Barton Springs Road 5th Floor Austin, Texas 78748

Re: Case # C14-2014-0002

Dear Ms. Rhoades,

Late last year, the board members of Saddlewood Estates subdivision met with Mr. Ross to discuss his plans to develop the property which lies at the entrance to our neighborhood. Mr. Ross expressed his desire to open and run a small local restaurant which would be community oriented. Given the size of tract of land of the subject property, there will be very little buffer between any occupying establishment and the back yards of some of our homes. Our community also has only one entrance/exit which will be shared with any new development. Mr. Ross showed tremendous integrity and a commitment to serve the community by initiating contact with us to discuss his vision, gather our feedback, and tackle our concerns and questions.

The other board members and I all agreed that we liked Mr. Ross's plans. We believe that a non-corporate owned restaurant fits nicely with the overall flavor of the area and would be a welcome addition. That combined with Mr. Ross's desire to create a place where the local community will feel welcome compels us to lend Mr. Ross and his project our overwhelming support. We liked that Mr. Ross was from the local area and has a vested interest in keeping our Way South Austin area a great place for all of us and know that the end result of this will make us all proud to call Mr. Ross our neighbor! We understand that this will require rezoning of the property at 10701 Manchaca Road from LR-MU-CO to GR-MU-CO and are in support of this zoning change.

Should you have any questions regarding our interactions with Mr. Ross and our opinions of his project, I would be happy to speak with you and am best available at 512-468-7076 or <a href="CourtneyGoza@gmail.com">CourtneyGoza@gmail.com</a>.

Sincerely,

Courtney Goza

President - Saddlewood Estates HOA

To:

Wendy Rhoades City of Austin 505 Barton Springs Road, 5th floor Austin, Texas, 78704

# Subject: Zoning Case #C14-2014-0002

I am the property manager at Saddle Creek apartments located at 10801 Old Manchaca Rd. A few weeks ago I was contacted by Henry Ross regarding his plan to open a restaurant across the street from our community. Henry and I met the following day to discuss his plan in person. Henry stated that the community is as much a part of his business plan as the building, therefore, working with homeowners is a necessity. Henry went on to discuss his plans to develop the property, and his goal of designing something more than just a building with parking spaces. This very much coincides with our idea of community oriented architecture. We appreciate that he has taken the time to contact us and others in the area to let us know who he is and what his plans are prior to building.

The project sounds very exciting to me and the other Saddle Creek team members. The Idea of a restaurant/pub/meeting place is a welcomed change from corporate establishments. We feel this would be an added benefit to the community and apartment residents. We at Saddle Creek support this project and need to rezone 10701 Manchaca Road from LR to GR.

Sincerely,

Hollie Baker

**Community Manager** 

512.282.0080

# PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

necedy making in comments should include the board or commission's name, the scheduled ☐ I am in favor Public Hearing: February 18, 2014, Zoning and Platting Commission Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your A I object 10mes 2000 - 220 If you use this form to comment, it may be returned to: March 20, 2014, City Council MODRIFICATION Contact: Wendy Rhoades, 512-974-7719 Planning & Development Review Department Your address(es) affected by this application LAKEDE DA 0 8420 Case Number: C14-2014-0002 5 3 KHB Your Name (please print) Austin, TX 78767-8810 isted on the notice. Daytime Telephone: 702U Wendy Rhoades City of Austin they P. O. Box 1088 Comments:

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